

EXEMPTION WORK GROUP FEEDBACK SUMMARY

September 6, 2011

CURRENT EXEMPTION	RECOMMENDATIONS INCORPORATED	RATIONALE	RECOMMENDATIONS NOT INCORPORATED	RATIONALE	PROPOSED EXEMPTION
Exemptions. Anyone operating or desiring to provide a service believed to be exempt from licensure shall apply to the department for exemption by submitting a written description of services, fees, ages of children to be served, hours, days and months of operation and location, a copy of written policies, advertisements, parental agreement forms and other materials to support the criteria for exemption. The exemptions granted by the department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshall or local fire prevention officials to inspect facilities. These rules shall not apply to the following kinds of programs providing care to children.	<ul style="list-style-type: none"> • Must include valid e-mail address. • Notarize application and sworn statement that information provided is accurate and truthful. • Added the following provisions: exemption does not affect local, regional or state requirements; only valid at address on application; change of address requires new application. • Required to post exemption letter and notice in a prominent location for public viewing. • Application to be signed by a governing authority other than a director. • Department may request annual report. • Wording that an exemption may be rescinded and what happens if rescinded. • Maintain attendance records. • Must make records available to the department upon request. • Must notify the department in writing if program closes. • Must submit new application if 	<p>The recommendations incorporated into the draft of proposed exemptions and/or any other changes made are directly related to or support one of the following:</p> <ul style="list-style-type: none"> • Parent/consumer education/awareness • Accountability of Bright from the Start and exempt programs, including tracking and communication between programs and the department • Language used clarifies and updates the exemption(s) • Defining an exempt program; determining if a program meets the criteria for an exemption. 	<p><u>Add language:</u></p> <ul style="list-style-type: none"> • Exemption will be granted to a program that can show that it has met “substantially equivalent” standards to those required by the state. • Criminal background checks for individuals working directly with children before an exemption is granted. [Should be provided with exemption application.] • Criminal background check must be current within 12 months • Documentation of background checks; documentation of having met fire code standards; statement that at least 50% of on-site staff present during operating hours are trained in CPR and First Aid; Must maintain records with identifying information. • Exempt programs must follow licensing requirements. • Transportation – Programs must meet current state 	<p>The recommendations not incorporated are directly related to oversight provided by licensing and are therefore not within the department’s jurisdiction to implement for a program that is approved for an exemption from licensure.</p> <p>For example, the law allows the department to require criminal record checks only for licensed programs.</p> <p>This is directly related to the internal operation of the program and does not help the department determine if the program may or may not meet exemption</p>	<p>290-2-2-.05(e) Exemptions. All programs providing care for children shall obtain either a license or an exemption from the department. Any person or entity operating or planning to operate such a service believed to meet the criteria for exemption from licensure, as listed below, shall apply to the department for exemption by submitting the department’s application for exemption.</p> <p>1. The application for exemption shall be notarized and shall include:</p> <p>(i) A valid and current e-mail address;</p> <p>(ii) A written description of services, fees, ages of children to be served, months, days, and hours of operation and location;</p> <p>(iii) Copies of written policies, advertisements, parental agreement forms, and other materials to support the criteria for exemption as determined by the department; and</p> <p>(iv) A sworn statement that the information provided to the department is accurate and truthful.</p> <p>2. The exemptions granted by the department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshal, local fire prevention officials, local or regional building officials or zoning officials to inspect and approve facilities and locations. Programs operated in a residence are not eligible for exemption. Additionally, the</p>

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	<p>there are material changes in operation of program and give examples, such as address change means physical location.</p> <p>Department may rescind approval for:</p> <ul style="list-style-type: none"> • Failure to provide department with required or requested information; • Program no longer meets exemption criteria; • Failure to comply with local/state requirements. <p>Dept. agrees to develop:</p> <ul style="list-style-type: none"> • Standard Letter Form • Insert BftS website address in Exemption Approval letter • Process to keep programs informed who are in database 		<p>requirements in this area prior to requesting exemption .</p> <ul style="list-style-type: none"> • Add: Information on children's food allergies and special dietary needs must be requested from parents/guardians. • Add: "CPR certification must be current." • Define "on the premises" and determine the legal implications of children being "off the premises" without adult supervision at the conclusion of services. • Transportation: Consider stipulating language that would require parents/guardians to sign a form indicating the transportation arrangement that will be made for their child while he or she is participating in the program. • Add: Language that prohibits the involvement of minors in child care and paid tutoring programs. • Ensure that transportation, background checks, first aid, and CPR requirements are sufficiently addressed in the preamble. 	<p>criteria.</p> <p>The definition of an exempt program is one that is an exception to the requirement to be licensed; requiring such a program to follow licensing requirements is a contradiction.</p>	<p>exemption is only valid at the address listed on the application.</p> <p>3. A program granted an exemption shall post in a prominent place near the front entrance of the facility both a copy of the exemption approval letter issued by the department and a notice provided by the department that will notify a parent or guardian that the program is not licensed and is not required to be licensed by the state. The notice shall be at least ½ inch letters and shall contain the department's telephone number and website address.</p> <p>4. A program approved for exemption shall maintain attendance records for children. When a parent or guardian initially registers a child with an exempt program, the parent or guardian shall sign a form indicating the parent or guardian has been advised and understands that the program is not licensed and is not required to be licensed by the state. The program must maintain the attendance records and parental notification forms during the time the child is enrolled in the program and for one year after the child no longer attends the program. All records shall be made available to any authorized representative of the department upon request.</p> <p>5. Any program granted an exemption from licensure that subsequently loses accreditation, closes and/or ceases operation shall notify the</p>

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			<ul style="list-style-type: none"> Language making unannounced on-site annual review possible, with fee to be charged by BftS, if determined appropriate. Requiring that all exemptions be renewed annually. Requiring that exempt programs submit an overall plan of improvement prior to approval of exemption 	<p>The requirements for the program to submit an annual report, to notify the department of any closure, and to submit a new application if there are any material changes in the program, meet the intent of the suggested requirement for annual renewals.</p>	<p>department in writing within five (5) business days of such a change. A program granted an exemption that has subsequent material changes in the operation of their program, such as, but not limited to, a change of physical location, a change in operating months, days, and/or hours, or a change in the ages served shall be required to submit a new application for exemption to the department.</p> <p>6. Programs granted an exemption may be required to periodically update the department on the status of their exemption and operating information, such as, but not limited to, submitting an annual report that would contain information related to the exemption approval.</p> <p>7. The department may rescind an approval for exemption when one or more of the following is determined by the department:</p> <p>(i) The program no longer meets the criteria for the exemption;</p> <p>(ii) The program provided false information during the exemption request process or during an investigation;</p> <p>(iii) The program failed to comply with local, regional, and state health department, fire marshal, fire prevention, and building/zoning guidelines/requirements; and</p> <p>(iv) The program failed to provide the department with a valid and current e-mail address or with other information requested by</p>

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					<p>the department, such as but not limited to, the months, days, and hours of operation, ages of children served and operating address.</p> <p>290-2-2-.05(f) Exemption Categories. The following types of programs may be exempt from licensure:</p>
2. Programs for children five (5) years and older which operate solely for educational purposes with an established curriculum during the school term for the customary seven (7) hour school day during the regular school term.	<ul style="list-style-type: none"> Accept changes as proposed by BftS as the department has no oversight of the state's compulsory education requirements. Add language: customary school day as defined in Georgia law. Bring Georgia Department of Education staff to the table to discuss this rule more fully. 	Georgia Dept. of Education and Georgia law define and have established requirements for private schools. During the exemption application process, the department will verify that the private school meets at least the minimum school day as defined in Georgia law. A rule change would not be required if the law changed.	<ul style="list-style-type: none"> Consider stating a maximum number of hours for a "school day" in order to prevent boarding schools from applying for this exemption. 	The department has no jurisdiction over residential programs; definition of child care includes only programs that operate less than 24 hours a day.	2. Private non-public educational programs with an established curriculum for children five (5) years and older that operate during the school term for the customary school day, as defined by Georgia law.
3. A facility operated by a local school on school board property for children five (5) years and older before and after the customary seven (7) hour school day.	This was combined with government owned and operated exemption (current exemption #9).	Local boards of education are government entities.			1. Programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day, as defined in Georgia law, and before and/or after school programs in public schools operated by the public school system and staffed with

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					school system employees and recreation programs operated by city or county parks and recreation departments and staffed with city or county employees.
4. Nursery schools, playschools, kindergartens or other educational programs for children two (2) years through six (6) years of age which operate for no more than four (4) consecutive hours per day.	<ul style="list-style-type: none"> Table this rule for further study outside of the current rules review process. 	Many issues were raised and discussed; consensus was not reached.	No changes at this time.		6. Nursery schools, playschools, kindergartens or other educational programs for children two (2) years through six (6) years of age which operate for no more than four (4) consecutive hours per day.
5. Mother's Morning Out or similar programs which operate for no more than four (4) consecutive hours per day for no more than two (2) days per week or which limit attendance to no more than eight (8) hours per week per child.			<ul style="list-style-type: none"> Separate this rule into two rules that address two types of programs: Drop-in Care (when needed) and Program Care (based on a regular schedule) Include this rule with rule #4 for more extensive study. Possible focus of revision might include best practices regarding staff-child ratios, age ranges served, group size, etc. In newly proposed language, distinguish between "Parent's Morning Out" and Parent's Night Out" 	After additional review and discussion, it was determined that separating the two programs would not affect how the rule was applied. The two programs are not different enough to require a separate rule. Drop-in programs that operate more than 4 hours a day are generally licensed.	5. Parent's Morning Out, Parent's Night Out, or similar programs which operate for no more than one session of up to four (4) consecutive hours per day and which limit attendance to no more than eight (8) hours a week per child.

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6. Any short-term baby-sitting service provided by an establishment, e.g. church, health club, bowling lanes, etc., on its premises to children for the convenience of their parents who are participating in activities being provided by the establishment. No child shall be permitted to remain in the establishment's baby sitting facility for more than four (4) hours per day and eight (8) hours per week. This exemption does not apply to programs operated by an organization for its employees or registered students.	<ul style="list-style-type: none"> Revise language in 8(ii) to show that part-time employees' children may participate in child care. Restore short term child care service limit to no more than four (4) hours per day, rather than proposed three (3). Maintain "and no more than ten (10) hours per week". 	Allowing part-time employees to use these services and restoring the number of hours per day from three to four appeared to have no negative effect.	<ul style="list-style-type: none"> Add: parent or guardian must sign child in and out. 	This is directly related to the internal operation of the program, which would be the equivalent of licensing oversight.	8. Any short-term child care service owned and operated by an establishment, such as, but not limited to, a religious facility, health club, or retail store, and such establishment meets all of the following: (i) Operated on the premises of the establishment; (ii) Operated for the convenience of the parents, guardians, or custodians and on-duty part-time employees or students attending classes; (iii) Parents, guardians, or custodians are participating in activities provided by the establishment on the premises of the establishment; (iv) Parents, guardians, or custodians are readily available; and (v) Attendance of child in the short-term child care service is limited to no more than four (4) hours per day and no more than ten (10) hours per week.
7. Drop-in recreation programs where the children are free to come and go from the premises without being escorted by a parent or responsible person and short-term educational programs or classes for children in which the supervision and care of the children are incidental to their participation in the activity or	<ul style="list-style-type: none"> Delete the following phrase in Subsections (i, ii, & iii): "that is not typically available in department regulated child care settings". Insert Subsection(iii) from proposed Rule 9 as a subsection to this rule (as shown below): <i>(iii) Programs shall not advertise or otherwise represent that the program is</i> 	<p>Deleted as requested.</p> <p>This is directly related to clarifying language and clearly defining the exempt program.</p>	<ul style="list-style-type: none"> Consider capping the age range, rather than stating "5 years and older". The actual age range should be determined after reviewing what is legally acceptable. Subsection (iv) – If the language "shall not prepare meals..." is intended to discourage the use of kitchens, 	In the statute governing the department, a child is an individual under 18 years of age.	9. Programs operated after the customary school day, as defined in Georgia law, for children five (5) years and older that are strictly instructional and skill-based in a single talent, ability, expertise, proficiency or subject or in closely related skills, proficiencies or subjects, including but not limited to classes such as art, cheerleading, dance, drama, gymnastics, martial arts and music, and the programs comply with all of the following: (i) Programs provide direct instruction in the

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<p>training in specific subject(s) such as music, dance, religion, etc. and the program provider is not assuming responsibility for the provision of daily child care outside the scheduled program.</p> <p><i>This rule was divided into two parts that resulted in new #9 and new #10.</i></p> <p><u>In #9:</u></p> <ul style="list-style-type: none"> • <i>Added language re: instructional.</i> • <i>Direct instruction in same subject required each day.</i> • <i>No services provided that are not directly related to the instruction.</i> • <i>Cannot advertise as child care, after school program, or that child care services are offered.</i> • <i>Staff must have specialized qualifications and documentation of qualifications.</i> 	<p><i>a child care facility, an after school program, or that the program offers child care services;</i></p>		<p>then this should be clearly stated.</p> <ul style="list-style-type: none"> • Subsection (iv) – Clarify “such as pre-packaged snacks” by adding language that indicates that these snacks must be nutritious and must adhere to current USDA guidelines. • Note: Language regarding pre-packaged snacks in current Rule # 7 may continue to be appropriate. • Subsection (iv) – Include that, in addition to pre-packaged snacks, children must be offered “water”. • Subsection (viii) –Define “the duration of the program” by adding second paragraph shown in proposed Rule #12 (see below). <p><i>Program time scheduled to be dedicated to the educational activity is reasonably age appropriate for the type of activity and ages served.</i></p>		<p>single skill or subject and/or closely related skills or subjects to every child each day the child is present;</p> <p>(ii) Programs do not provide services that are not directly related to the single skill or subject or to the closely related skills or subjects, such as, but not limited to, homework assistance. During the hours of operation, programs may provide services related to the instruction, such as transportation and giving children time to change into proper clothes/gear;</p> <p>(iii) Programs shall not advertise or otherwise represent that the program is a child care facility, an after school program, or that the program offers child care services;</p> <p>(iv) Programs shall not prepare meals and snacks, but may provide ready-to-eat snacks, such as pre-packaged snacks;</p> <p>(v) The majority of the program staff responsible for instruction shall possess specialized qualifications to instruct in that skill or subject, and the program shall submit documentation of such specialized qualifications of staff to the department at the time of application for exemption or as requested by the department;</p> <p>(vi) Programs shall inform parents or guardians about the physical risks a child may face while participating in the program;</p> <p>(vii) Such programs shall not be an integral part of a licensed child care learning center or day care center;</p>

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<ul style="list-style-type: none"> • <i>Inform parents of physical risks.</i> • <i>Not be part of a licensed child care learning center.</i> • <i>Define in writing the duration of the program.</i> <p><u>In #10:</u></p> <ul style="list-style-type: none"> • <i>Program time dedicated to the educational activity.</i> • <i>Educational activity must be age-appropriate.</i> • <i>Majority of staff delivering education services have specialized qualifications and submit documentation of qualifications.</i> • <i>Primary purpose must be one of the three listed.</i> 					<p>(viii) Enrollment information shall clearly define the duration of the program.</p> <p>10. Short term educational programs offered to school-aged children in which the supervision and care of the children are incidental to their participation in the short-term educational program, and the provider is not assuming responsibility for the provision of daily child care outside the scheduled program. The majority of staff responsible for the direct delivery of education services to children possesses specialized qualifications that are directly related to the short term educational programs being offered, and the program shall submit documentation of such specialized qualifications to the department at the time of application for exemption or as requested by the department. The sole or primary purpose of such short term educational programs is:</p> <p>(i) To prepare children for advancement to the next educational level through a prescribed course of study or curriculum;</p> <p>(ii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children with the passage of mandatory educational proficiency examinations;</p> <p>(iii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children in specific academic areas, such as, but not limited to,</p>

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					foreign language, mathematics, science, etc.
Currently in Georgia law.	Incorporate Georgia law into exemption rules.	The law does provide an exemption from licensure and this will make this information more accessible.			<p>3. A private non-public school which provides education in any grades from kindergarten through 12th grade, meets the requirements under Georgia law for private schools (See O.C.G.A. Sec. 20-2-690), and is accredited by one or more of the entities listed in O.C.G.A. Sec. 20-3-519(6)(A) and which provides care before, after, or both before and after the customary school day, as defined in Georgia law, to its students as an auxiliary service to such students during the regular school year only. The accrediting entities listed in O.C.G.A. Sec. 20-3-519(6)(A) are:</p> <p>(i) The Southern Association of Colleges and Schools;</p> <p>(ii) The Georgia Accrediting Commission;</p> <p>(iii) The Georgia Association of Christian Schools;</p> <p>(iv) The Association of Christian Schools International;</p> <p>(v) The Georgia Private School Accreditation Council;</p> <p>(vi) The Southern Association of Independent Schools;</p> <p>(vii) The Accrediting Commission for Independent Study. (O.C.G.A Section 20-3-519(6.1)(A).</p>
	Insert “provided that accreditation covers these ages”	This was directly related to clarifying	<ul style="list-style-type: none"> A recommendation was made to expand this rule to include 	Often the accepted accrediting	4. Accredited private non-public educational programs with an established curriculum for

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		language and clearly defining the exemption. Aligns accredited private school with public schools. Oversight by accrediting entity.	three-year old children. <ul style="list-style-type: none"> Potential Language Change-the following language was proposed, but not agreed upon: “and that accreditation is substantially equivalent to licensing standards in the area of health, safety, and group ratios”. 	organizations do not include early childhood guidelines in their review. This would put the department in the position of evaluating each accrediting organization, acceptance of some of these organizations is mandated by law.	four-year-old children for the customary school day, as defined in Georgia law, that are not part of a full day child care learning center and are an integral part of an accredited private non-public school that provides elementary or secondary instruction or both, providing the accreditation specifically covers these ages; any before and/or after school hours for four-year-old children who attend such a program as described above, provided the children do not leave the premises of the accredited private non-public school and the program is staffed with employees of that private non-public school.
<ul style="list-style-type: none"> <i>Aligns accredited private school with public schools.</i> <i>Children do not leave the premises.</i> <i>Staffed by school employees.</i> 	Consider combining the language in proposed Rules 5& 6.	A program that applies for one of these will not always, but often, also apply for the other.			6. Before and/or after school hours for four-year-old children who attend such a program as described in Number 5 above, as long as the children do not leave the premises of the accredited private non-public school and the program is staffed with employees of that private non-public school. (See #5 above.)
8. Day camping programs for children five (5) years and older which have as the primary emphasis outdoor education and recreation and are operated between school terms for no more than seven (7) hours per day or which are accredited by	<ul style="list-style-type: none"> Clarify by deleting proposed rule language following the word “activities” through “American Camping Association standards.” Delete proposed rule language beginning with “Accredited programs...” through “the 	Accreditation is not required to be exempt if the program can operate a sufficient number of hours a day to include before and after care, which most	<ul style="list-style-type: none"> Collaborate with GADOE and PTA/PTO organizations to develop and disseminate a Fact Sheet to parents on the selection of camps. 	Dept. can collaborate through policy.	7. Day camp programs for children five (5) years and older that are operated between school terms, whose primary purpose is to provide organized recreational, religious, or instructional activities. The day camp programs may operate during summer and other school breaks and shall operate for no more than

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the American Camping Association or other national standard-setting agency or church camp accreditation programs which must provide standards equivalent to the American Camping Association standards. Sherry this was missing so I inserted it here.	accrediting entity.” <ul style="list-style-type: none"> Retain remaining proposed rule language. 	programs offer.			twelve (12) hours per day.
9. Child welfare agencies and other facilities and institutions wherein children and youths are detained which are operated by any department, or agency of state, county, or municipal government.	<ul style="list-style-type: none"> Retain rule under sovereign immunity. 		<ul style="list-style-type: none"> Initiate marketing efforts to programs falling under this rule re: the availability of technical assistance. Develop a strong partnership with state, federal, county, and municipal government child welfare agencies falling under this rule in order to effect coordinated and collaborative oversight. 	Dept. can develop outreach policy.	1. Programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day and before and/or after school programs in public schools operated by the public school system and staffed with school system employees and recreation programs operated by city or county parks and recreation departments and staffed with city or county employees.
	<ul style="list-style-type: none"> Remove proposed rule from current review process and include in future after school rules review process. 	This exemption was removed upon the work group’s recommendation. The local schools and boards of education like having the oversight of licensing.			NA-removed. (2. Before and/or after school programs operated on the premises of a public school by an outside entity under contract with the public school and/or local Board of Education, and attendance/participation is limited to children who attend that school.)

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Most of these programs are currently approved for exemption under #7 and/or #8.	<p>Modify proposed language to reflect the following: Confine this to <u>non-profit</u> organizations that are <u>created for the purpose of youth services and youth development</u></p> <p>Note that the membership fee charged is for children.</p>	The recommended language further clarified and defined the exemption	<ul style="list-style-type: none"> Require that the organization be reviewed/certified on a regular basis, e.g. every two years at least. The program should be required to submit to DECAL for the file a copy of the national organization's "minimum standards and mandatory requirements," and such minimums should "substantially align" to the requirements of licensing. Programs should also be required to submit the national organization's monitoring process. 	<p>This oversight is conducted and managed on a regular basis by the national organization.</p> <p>The standards, monitoring process, etc. are available on-line and from the national organization.</p>	11. Any program or facility providing care for school-aged children that is operated by, or in affiliation with a national membership non-profit organization that was created for the purpose of providing youth services and youth development, that charges a membership fee for children and may receive monthly, weekly, or daily fees for services. Such program or facility holds membership in good standing and is certified by its national association as complying with the association's purposes, procedures, minimum standards and mandatory requirements. Such national membership organizations include, but are not limited to, the Boys and Girls Clubs of America.